

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

GERALD ALLEN PERRY,  
TDCJ 644896,

Plaintiff,

*versus*

DEBBIE STRICKLIN, ET AL.,

Defendants.

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CIVIL ACTION H-09-532

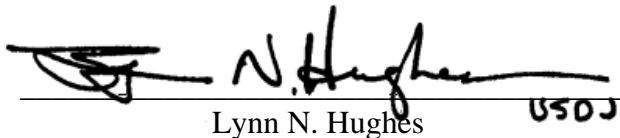
## Opinion on Dismissal

Gerald Allen Perry sues for civil rights violations. He is in the state prison. Perry has moved to proceed as a pauper. Perry has sued 16 other times in the federal district courts in Texas, including transfers. The district court dismissed two of these lawsuits as frivolous and the Court of Appeals dismissed an appeal as frivolous. *See Perry v. Thaler, et al.*, 5:98cv261 (E.D.Tex.); *Perry v. Holmes, et al.*, 4:04cv3865 (S.D.Tex.); and *Perry v. Holmes, et al.*, 05-20137 (U.S. Court of Appeals). When Perry sued, he was confined in prison or jail. The district court dismissed these other cases and the Court of Appeals dismissed the appeal before Perry filed this case.

A prisoner may not bring a case in federal court as a pauper if, while incarcerated, he brought three actions which the court dismissed as frivolous or for failure to state a claim, unless he is under imminent danger of serious physical injury. 28 U.S.C. § 1915(g). Perry's allegations do not show that he is under imminent danger of serious physical injury.

This complaint is dismissed. 28 U.S.C. § 1915(g).

Signed February 28, 2009, at Houston, Texas.



Lynn N. Hughes  
United States District Judge